



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : John S. Murphy, et al.
For : **BAGLESS CANISTER VACUUM
CLEANER**
Serial No. : 10/790,304
Filed : March 1, 2004
Examiner : Jason Greene
Confirmation No. : 2005
Attorney Docket No. : RYLZ 2 00658-1

DECLARATION UNDER 37 C.F.R. § 1.131

Mail Stop - Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As persons signing below:

1. We, John S. Murphy, Robert A Matousek, Jeffrey M. Kalman, Craig M. Saunders, Richard C. Farone, David DiNunzio, Mark E. Cipolla, Paul D. Stephens, Michael F. Wright, and Robert A. Salo do hereby declare and say that we are inventors in the above-identified United States patent application, Serial No. 10/790,304.

2. We have read and are familiar with the U.S. Patent No. 6,484,350 (the '350 patent), which issued to Yung on November 26, 2002.

3. We declare that on a date prior to December 8, 1999, the claimed priority date of the '350 patent, the invention disclosed in claims 1, 2, 4, 7, 8, 9, 11, and 12 of the above-identified United States patent application was completed in this country. Additionally, on a date prior to December 8, 1999, the invention of those elements of claim 30, and dependent claims 31-34, claim 39, and dependent

claims 41, 42, and 44, which are said to be disclosed by Yung was completed in this country. In this regard, we have attached hereto redacted copies of pages of documents (Exhibits A and B), as evidence of completion of the invention prior to December 8, 1999. These pages provide an enabling description of the invention recited by the claims discussed above. Exhibit A is an exploded perspective drawing of the canister vacuum. It is quite similar to Fig. 4 of the instant application's figures. Exhibit B shows a series of proposed exterior design sketches. A somewhat similar view is shown in Fig. 1 of the instant application. The system is referred to as CAN VAC, as noted on the copies of time slips associated with the drawings. We hereby declare and say that the relevant portions of Exhibits A and B were prepared on a date prior to December 8, 1999, the claimed priority date of the '350 patent.

4. Exhibit C, attached hereto, is a copy of Exhibit A, with element numbers and lead lines added to make easier reference to the component parts. Exhibit C describes an embodiment of the present invention recited in claim 1 of the present application which comprises a canister vacuum cleaner including a body (10) defining a suction inlet (12) and an exhaust outlet (14). (The body is also shown in assembled form in the sketches of Exhibit B.) EXHIBIT C shows a suction source (16) contained in the body, which is located fluidically between the suction inlet and the exhaust outlet. A dirt cup (18) is releasably connected to the body, as demonstrated by the latch (67) and handles (60, 64) illustrated. The dirt cup defines a dirt separation chamber (20) and an airstream outlet (22) that releasably mates with the suction inlet when the dirt cup is connected to the body. The dirt separation chamber is conformed to impart a rotational flow pattern to an airstream passing therethrough (note that the air enters the chamber off-center, as shown by the broken away portion of lid (36), and can circle around a filter (24)) whereby contaminants entrained in the airstream are separated therefrom and deposited in the dirt cup. A filter (24) is located in the dirt separation chamber of the dirt cup in covering relation with the airstream outlet. This explanation of the drawing of Exhibit A provides evidence of the existence and completion of the invention of claim 1 in the United States as of a date prior to December 8, 1999.

5. As shown in Exhibit C, the additional elements of the following dependent claims are also shown. Concerning claim 2, a first portion (30) of the dirt

cup defines the airstream outlet (22) and a second portion (32) of the dirt cup defines an open entrance (34) to the dirt separation chamber. The body includes a cover (36) that is selectively located in covering relation with the open entrance of the dirt cup when the dirt cup is connected to the body. With respect to claim 4, the canister vacuum cleaner is shown as having an associated hose (40), which communicates with the dirt separation chamber of the dirt cup through the cover (36). The filter is releasably connected to the dirt cup, being mounted on a stem (unnumbered) protruding from the base wall (first portion) (30) of the dirt cup (18) (claim 7). Regarding claim 8, an annular airflow space is defined between the filter and an interior wall (42) of the dirt cup that defines the dirt separation chamber. The canister vacuum cleaner further includes a plurality of wheels (44, 46) connected to the body and adapted to support the body movably on an associated support surface. As shown in Exhibit B, one of the sketches shows the canister tilted at 45°. Concerning claim 9, Exhibit C shows an additional wheel (50) connected to the dirt cup by a plate (52). Regarding claim 11, the dirt cup is shown as including an end wall (30) that defines the airstream outlet (22). The filter projects outwardly from the end wall and is unsupported by the dirt cup between the end wall and an outer end (54) of the filter that is spaced from the end wall. Exhibit C also shows an exhaust filter (56) located in the body in covering relation with the exhaust outlet (14) (claim 12).

6. Exhibits B and C further show at least those elements of independent claim 30 which are said to be shown by Yung. Specifically, the canister vacuum cleaner is seen to be bagless and includes a main housing (10) defining an airflow inlet (12), an airflow outlet (14) and a receiver region (see Exhibit B) adapted to receive a dirt cup (18). A suction source (16) is located in the housing and operational to establish and maintain an airstream that flows from the airflow inlet to the airflow outlet. A dirt cup (18) is releasably coupled to the receiver region of the main housing. The dirt cup includes an interior wall (42) defining a dirt separation chamber (20) conformed to impart a rotational flow path to a dirty airstream passing therethrough whereby contaminants are separated from the dirty airstream and deposited in the dirt cup. An open first end (34) of the dirt cup is in communication with the dirt separation chamber. An airstream outlet (22) is provided from the dirt separation chamber. The dirt cup is releasably coupled to the main housing with the airstream outlet of the dirt cup mated with the airflow inlet of the main housing. A

filter assembly (24) is releasably connected to the dirt cup and is located in the dirt separation chamber. The filter assembly includes a filter element (illustrated as a cylindrical pleated filter) located in covering relation with the airstream outlet of the dirt cup. A cover (36) is connected to the housing.

7. Exhibit C further shows elements of several claims dependent on claim 30 which are said to be shown by Yung. Specifically, the vacuum cleaner is shown to include a handle (60) connected to the cover (36) (claim 31). The canister vacuum cleaner includes a hose (40) and a hose fitting (61) interconnecting the hose to the cover (claim 32). The vacuum cleaner is shown to include a plurality of wheels (44, 46, 50) for movably supporting the main housing and the dirt cup on a support surface when the dirt cup is coupled to the receiver region of said main housing. At least one of the wheels (50) is connected to the dirt cup (claim 33). The dirt cup includes a handle (64) (claim 34).

8. Exhibit C further shows at least those elements of independent claim 39 which are said to be shown by Yung. Specifically, a bagless vacuum cleaner is shown as having a body (10). A dirt cup (18) is releasably connected to and selectively separable from the body. The dirt cup includes a handle (64).

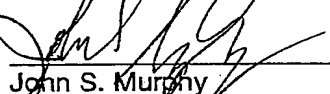
9. Exhibit C further shows at least those elements of the following dependent claims of claim 39 which are said to be shown by Yung. With respect to claim 41, the vacuum cleaner has a second handle (66) connected to the body. With respect to claim 42, the vacuum cleaner also includes a lid (36) connected to the body and adapted for selectively covering an open end (34) of the dirt cup. A handle (60) is connected to the lid. Regarding claim 44, at least one wheel (44, 46) is connected to the body and at least one wheel (50) is connected to the dirt cup.

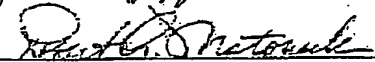
10. Each of the dates deleted from Exhibits A and B is a date prior to December 8, 1999, the effective date of the '350 patent.

11. It is submitted that the drawings attached as Exhibits A and B demonstrate that at least those aspects of the invention recited claimed in claims 1,

2, 4, 7-9, 11-12, 30-34, 39, 41, 42, and 44, which are said to be shown by Yung, were completed in this country on a date prior to December 8, 1999, the effective date of the Yung '350 patent.

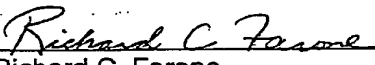
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


John S. Murphy
10/19/2004
(Date)

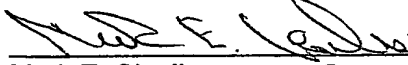

Robert A. Matousek
10/19/2004
(Date)


Jeffrey M. Kalman
(Date)

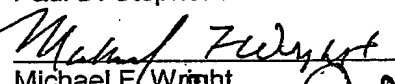
Craig M. Saunders
(Date)


Richard C. Farone
10/19/04
(Date)

David DiNunzio
(Date)


Mark E. Cipolla
10-19-04
(Date)


Paul D. Stephens
10-19-04
(Date)


Michael F. Wright
10/19/04
(Date)


Robert A. Salo
10-19-04
(Date)

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2, 4, 7-9, 11-12, 30-34, 39, 41, 42, and 44, which are said to be shown by Yung, were completed in this country on a date prior to December 8, 1999, the effective date of the Yung '350 patent.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

John S. Murphy

(Date)

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(Date)

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(Date)

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(Date)

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(Date)

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(Date)

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(Date)

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